FREE TO LEARN:

Leading Inclusive Learning Environments in Higher Education

A resource guide from the U.S. Department of Education for fostering safe and inclusive campuses through the Israel-Hamas conflict and beyond

JULY 29, 2024

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A MESSAGE FROM U.S. SECRETARY OF EDUCATION MIGUEL CARDONA

Dear Partners,

Colleges and universities are some of our nation's most diverse communities of learning, and among the best places to develop engaged citizens.

Campuses have the capacity to embrace student voices and create space for robust debate about challenging issues—making them a hallmark of our country's progress, and the envy of countries around the world. One of the most critical roles of colleges and universities is their ability to foster greater understanding of different views, experiences, and perspectives in ways that can heal divisions.

That is among the reasons why it is so deeply alarming that there has been a significant rise in reports of antisemitic, anti-Muslim, anti-Arab, anti-Palestinian, and other forms of hate and discrimination since the tragic events of October 7, 2023, that have rocked many campus communities.

No student should have to hide symbols of their faith or ancestry for fear of harassment or violence. Discrimination, hate, and threats of violence that leave students feeling unsafe because of who they are—or who they are perceived to be—are always unacceptable.

It is up to all leaders to act, to root out hate where we see it, and to foster environments where it cannot flourish.

Since October, we have engaged in hundreds of calls, meetings, visits, and presentations with community leaders, students, and educators to hear what they are experiencing and learn how we can support them.

But it's not enough to simply talk. Over the past several months, I, along with other senior members of the Biden-Harris Administration, have issued new guidance and resources to help school leaders, educators, staff, and students to develop strategies for creating and maintaining safe and inclusive learning environments.

The U.S. Department of Education is eager to equip our campus leaders even further with tangible tools, training, technical assistance, and further resources. We want to work together in cultivating safe and inclusive campus environments, while fulfilling obligations under federal civil rights law. Critically these laws include Title VI of the 1964 Civil Rights Act, which requires schools and other recipients of federal financial assistance from the Department to ensure nondiscrimination based on race, color, or national origin.

This resource guide is aimed at supporting leaders in building learning communities that celebrate diversity, encourage curious and thoughtful debate, and build engaged citizens. It was developed with the input of students, educators, faith and community leaders, higher education leaders, and civil rights leaders, to name a few.

You'll find many resources here: tools to plan for crisis response and crisis management—including strategies for community repair; ideas for building capacity for efforts to advance equity and inclusion related to religion and shared ancestry; and information from the Department's Office for Civil Rights regarding civil rights obligations.

It is my hope that colleges and universities can use these tools to shape their campus cultures proactively and intentionally.

Let's be clear: hate in any form has no place on our campuses. We will continue to be direct and unapologetic in condemning it, and the Department will continue to support our colleges and universities in a shared goal of creating communities that reflect the highest ideals of our democracy.

Sincerely,

Miguel A. Cardona, Ed.D.
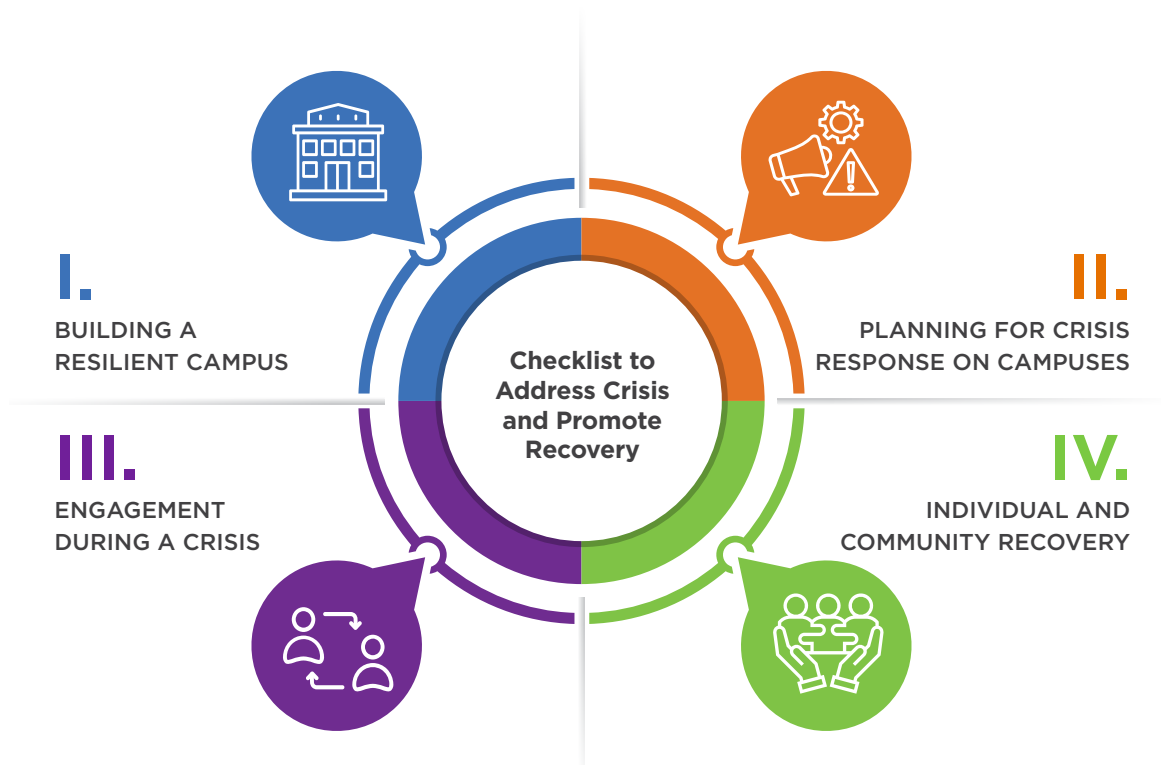U.S. Secretary of Education

Checklist for Leadership of Institutions of Higher Education

Institutions of higher education are rooted in the common pursuit of knowledge and exploration – both inside and outside of the classroom. They also frequently convene a student body from a wide range of backgrounds, identities, and perspectives. In shepherding these diverse communities, institution leaders play a key role in supporting students' academic goals while also affirming their institution's core values and setting expectations for constructive engagement across difference.

Many campus communities have seen these values and objectives tested recently, especially in the midst of the current conflict between Israel and Hamas. Many Jewish, Muslim, Israeli, Arab, and Palestinian students from across the country have reported that they felt unsafe on campus or unfairly targeted for who they are. Some have experienced direct or secondary trauma as a result of the violence and have expressed the desire for greater community support and/or public activism. Leaders of institutions of higher education are navigating myriad pressures as they strive to ensure that all students can study, attend class, and participate in all aspects of campus life without fear and without disruption of their educational experience.

This checklist is designed as a tool for college and university leaders and administrative staff at all levels to assess the programs, policies, and systems they currently have in place to center student wellbeing and community norms in the midst of a crisis and to promote recovery and reconnection for those impacted. Note: This checklist provides recommendations based on promising strategies from the field; it does not bind the public or impose new legal requirements. This resource does not have the force and effect of law.

I.
BUILDING A RESILIENT CAMPUS

II.
PLANNING FOR CRISIS RESPONSE ON CAMPUSES

Checklist to Address Crisis and Promote Recovery

III.
ENGAGEMENT DURING A CRISIS

IV.
INDIVIDUAL AND COMMUNITY RECOVERY

I. Building a Resilient Campus

Trust is difficult to achieve in the heat of the moment. By meaningfully engaging with stakeholders from a variety of viewpoints, cultivating opportunities for students to learn about and participate in civil discourse, and proactively reviewing and communicating institutional policies, leaders can build their campus communities' capacity for constructive expression before divisions lead to crises.

- Leaders of institutions of higher education should regularly meet with students, faculty, and community stakeholders (e.g., parents, alumni, local community leaders) across all viewpoints and identities to hear about their ongoing needs and concerns. Senior leaders of institutions of higher education should take care to build and maintain these relationships both proactively and in response to questions or concerns. If senior leaders choose to delegate outreach efforts to their staff, they should consider empowering those same staff to engage in institutional decision-making impacting these stakeholders.

- Institution leaders should establish and cultivate venues for student expression, civil discourse, and opportunities for learning about what it means to live in a pluralistic community. In particular, universities should invest in opportunities to help students develop skills to engage in collaborative dialogue across political and personal divides. These opportunities should be made available to the entire student body, e.g., through freshman orientation, and not be limited to one initiative or department.

- All higher education leaders, faculty, and staff should seek out cultural competencies that equip them to navigate religious, racial, political, and other forms of differences among the student body. Current equity and inclusion efforts should include the role of religion and shared ancestry in students' sense of belonging. They also should develop university calendars that are inclusive of diverse religious backgrounds.

- Institutional leadership should take steps to ensure that their policies are comprehensive, accessible, understandable, and that all members of the campus community are aware of them. Depending on the applicable federal and state requirements, and the needs of the school, the policies may cover topics such as political activities, guidelines for student-, faculty-, and staff-led events, free expression, time/place/manner restrictions where applicable, nondiscrimination requirements, religious accommodations, and applicability to non-students when on campus, among other topics. Institutional leadership should develop policies in consultation with their general counsels and, where applicable, with the input of faculty, staff, and students. All policies should then be communicated in a clear and consistent manner.

- Leadership should be consistent, diligent, and timely about holding students and other community members accountable when there are policy violations. Institutions of higher education should make sure that students know how and to whom to report a violation and what to expect after a report is received. They should establish reporting mechanisms, such as complaint hotlines, if these mechanisms do not already exist. They may also consider steps to proactively foster trust to ensure that students feel comfortable coming forward. For example, those who have already been assigned to serve as trusted messengers with specific community groups may serve as liaisons for reporting violations to a central place.

- Institutions should adopt a process to review policies on a regular basis, for instance before the start of every school year, and avoid conducting reviews only in response to particular incidents. These reviews should look beyond codes of conduct and consider other policy statements such as civility codes, anti-harassment policies, time/place/manner policies, facilities policies,

and mission statements to communicate expectations.

- As institutions of higher education reconsider their policies, they should utilize a whole-of-campus approach by including a broad swath of institutional representatives at the decision-making table. Participants should include faculty, student-facing staff such as student affairs staff or chaplains, and community representatives.

Examples from the Field

One college maintains a web-based student handbook that is easy to navigate and search, including the student code of conduct and related policies and practices to separately written policies on chalking, online harassment, and other issues. It engages in periodic updates with student input, sometimes mid-year, and announces any substantive changes to the campus community.

II. Planning for Crisis Response on Campuses

Global, national, or local events can have a dramatic impact on campus life, affecting individual students and communities differently. Even when tensions rise because of a conflict taking place elsewhere, students and other community members may put pressure on the college or university to take certain actions that are tangibly or symbolically tied to the situation. Students with actual or perceived connections to the conflict may feel a variety of deep emotions, struggle to focus on their academics, or face identity-based harassment by others on and off campus.

To ensure that institutions of higher education are as prepared as possible, leaders should consider how they might meet increased demands on staff and establish clear protocols for internal and external communications through a crisis. Institution leaders should consider who, how, and when to engage relevant experts, trusted community leaders, and decision-makers during crisis moments, with the aim of fostering a campus environment that feels safe, unified, inclusive, and supportive.

- Institutions of higher education should establish a crisis coordination group that includes administration leaders, staff and faculty who frequently engage with students, campus safety, and off-campus emergency management and law enforcement officials. If needed, they will serve as the core of an emergency operations team. This group should prepare jointly for crisis response by regularly participating in appropriate relevant trainings.

- Leaders of institutions of higher education should develop and engage in tabletop exercises to test a campus-specific plan of action that is consistent with institution policies, promotes constructive dialogue, protects freedom of speech and assembly, and addresses conduct that undermines or violates students' civil rights. This plan should include clear communications and decision-making protocols, including how and when to engage outside law enforcement agencies.

- Before inviting outside law enforcement agencies onto campus, leaders from both the institution of higher education and the law enforcement agency should jointly review pre-established protocols for situations that may occur during the crisis.

- Institution leaders should prepare for the rapid expansion of capacity in communications, counseling, mediation, and other resources that may be taxed in a crisis.

- Leadership should engage with students and community members who seek to plan events on campus to make sure that they understand institutional policies, including time, place, and manner regulations, in advance. Institutions of higher education should aim to communicate policies to all event participants and maintain consistency in the execution of these policies.

- Students will most often turn to trusted individuals for information and support during a crisis. Leaders of institutions of higher education should identify and map community resources, including faculty, student-facing staff, residential advisers, coaches, local faith and community leaders, and more.

- Institution leaders should consider convening an advisory group of these community leaders, as well as subject matter expects, to identify and prepare for potential challenges that might affect the student body. For example, they might be able to identify how current global, national, or local events might lead to an increased need for investments in the safety and wellbeing of specific communities.

Examples from the Field

One university published a detailed Crisis Communications Plan on its website that specifies how and when it is activated, who serves on the crisis communications team, what the team is responsible for, to whom it is accountable, and who is assigned to communicate with each audience (e.g., the head of student affairs is assigned to students and parents, the head of community relations is assigned to city leaders, and so on.)

III. Engagement During a Crisis

Leaders of institutions of higher education may be pulled in many directions as a situation unfolds. Leaders can remain responsive through a crisis and de-escalate tensions in their campus communities by engaging with impacted students, leaning on trusted messengers, implementing jointly developed plans of action, and consistently applying institutional policies.

- As tensions rise, leaders of institutions of higher education should check in with students, faculty, and staff who may be directly affected to understand their needs and share these insights with key decision-makers. Leaders who are engaged with community members from a variety of viewpoints will have a clearer picture of the dynamics at play.

- When appropriate, college and university leaders should activate the crisis coordination group, review decision-making protocols, and engage trusted messengers within and beyond the campus.

- Institution leaders should communicate with the broader community as soon as possible and at a regular cadence to reduce anxieties and affirm core values. Relevant audiences may include students, faculty, staff, alumni, families, and local faith and community leaders. Among other communications tools, leaders may choose to employ various forms of media used frequently by students, such as social media, short videos, and infographics shareable by text messaging. Institutions of

higher education must take steps to ensure that they effectively communicate with individuals with disabilities, including by providing auxiliary aids and services where necessary.

☑ These messages should include pertinent information about the incident, actions taken to ensure the safety of all members of the campus community, who has been consulted and what institution leaders have learned, and how students can learn more about future developments or report additional incidents.

☑ Institution leaders should expand community resources that support student wellbeing. This may include offering culturally competent mental health services, addressing immediate safety concerns, providing private spaces for student groups to offer peer-to-peer support, and augmenting channels of communication between students and leaders to maintain constructive dialogue.

☑ Institution leaders should provide faculty with strategies for addressing a crisis that may impact students' ability to focus and feel safe in the classroom. These may include suggestions for acknowledging the event at the outset of class time, reminders about their obligations to foster an inclusive learning environment for all students, and information about resources available to students who are struggling.

☑ As stated earlier, institution leaders should clearly and consistently communicate institutional policies and the rights of students, faculty, and staff under the law, including both physical and online spaces where they are engaged. When violations occur, leaders should be as transparent as possible about the course of action they are taking, while making every effort to protect the privacy of individuals involved.

☑ Institution leaders must remember that groups or individuals from off campus can contribute to the creation of a hostile learning environment. The institution's civil rights obligations are not limited to addressing actions by individuals or groups affiliated with the institution.

☑ Institution leaders should additionally prepare for the involvement of external actors who may exploit on-campus tensions to further their own political agendas. They should also consider whether the involvement of some external actors may at times serve a constructive role in de-escalating tensions, such as by leading bridge-building efforts or preventing the spread of misinformation, or whether their involvement, even if well-intentioned, may exacerbate tensions.

Examples from the Field

Amid campus protests, one university engaged with a local house of worship that served as a neutral place for dialogue between students and administrators. Faith leaders from multiple communities helped facilitate the dialogue and de-escalate tensions.

IV. Individual and Community Recovery

Following a crisis event or a time of heightened campus tensions, many students, as well as faculty and staff, may feel disconnected, angry, or unsafe on campus long after the event has passed. Those affected may have an especially difficult time focusing on their studies. Leaders of institutions of higher education who give in to the temptation to move forward without investing in community repair risk further alienating these students and inviting tensions to rise.

⊘ Leaders of institutions of higher education should conduct an after-action analysis that includes all institutional partners and any outside law enforcement that participated in the response.

⊘ Key institutional leaders should deepen relationships with impacted students and other community members to understand their ongoing needs. Leaders should again rely on the expertise of subject matter experts and those who engage heavily with impacted communities in order to inform their response. This information should be communicated to and considered by institution leaders and other decision-makers.

⊘ Institution leaders and trusted messengers should issue strategic communications that reaffirm core values and expectations, identify supports that are available and how students can access them, communicate actions taken to address any remaining safety concerns, share processes underway to review the institution's handling of the crisis, and explain how further developments and decisions will be shared with the community.

⊘ Institution leaders should ensure that adequate funding is available for mental health supports and for student life activities including student affinity groups, peer support services, and campus ministries.

⊘ Institution leaders should, where possible, support initiatives that encourage students and faculty to engage in constructive dialogue, foster cross-community relationships, and participate in joint academic inquiry. Campuses that are ready may host events or programs that explore the circumstances underlying the crisis.

Examples from the Field

One university uses its Student Conflict Resolution Center to provide trainings to students as well as faculty, administrators, and others on de-escalation strategies and dialogue across difference.

Through the coming academic year and beyond, the U.S. Department of Education will continue to work with you to ensure safe and inclusive learning environments where all students are free to fully experience the rich communities of learning that institutions of higher education provide. For more information and resources visit: **Supporting Campus Safety Following the October 7, 2023 Hamas Attacks in Israel.**

Guidance from the Office for Civil Rights on Discrimination under Title VI of the Civil Rights Act of 1964

Requesting Technical Assistance from the Office for Civil Rights

Schools may request technical assistance from the U.S. Department of Education's Office for Civil Rights (OCR). OCR facilitates technical assistance and support to schools, educators, families, and students to ensure better awareness of the requirements and protections of federal non-discrimination laws. Requests for technical assistance with the **laws** enforced by OCR can be sent to **OCR@ed.gov**.

While OCR typically enforces federal civil rights laws through the traditional complaint-resolution process, OCR also works proactively to ensure that schools are aware of their obligations under federal civil rights law through the provision of targeted support to recipient institutions and the public.

FACT SHEET: Harassment based on Race, Color, or National Origin on School Campuses (July 2, 2024)

This fact sheet shares resources about federal civil rights obligations of schools and other recipients of federal financial assistance from the Department to ensure nondiscrimination based on race, color, or national origin (including shared ancestry) under Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulations. This fact sheet describes how OCR determines the existence of a hostile environment, details schools' obligations to address and remedy a hostile environment, and provides hypothetical examples to help schools assess their Title VI obligations.

Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics (May 7, 2024)

This Dear Colleague Letter shares information about federal civil rights obligations of schools and other recipients of federal financial assistance from the Department to ensure nondiscrimination based on race, color, or national origin under Title VI of the Civil Rights Act of 1964 and its implementing regulations, specifically with respect to students and school community members who are or are perceived to be Jewish, Israeli, Muslim, Arab, Sikh, South Asian, Hindu, Palestinian or students of any other faith or whose families come from any other region of the world.

Dear Colleague Letter: Addressing Discrimination Against Muslim, Arab, Sikh, South Asian, Hindu, and Palestinian Students (Mar. 14, 2024)

This Dear Colleague Letter reminds schools of their obligations to address discrimination against Muslim, Arab, Sikh, South Asian, Hindu, and Palestinian students.

Dear Colleague Letter: Discrimination, including Harassment, Based on Shared Ancestry or Ethnic Characteristics (Nov. 7, 2023)

This Dear Colleague Letter reminds schools of their legal obligations under Title VI of the Civil Rights Act of 1964 to provide all students, including students who are or are perceived to be Jewish, Israeli, Muslim, Arab, or Palestinian, a school environment free from discrimination based on race, color, or national origin, including shared ancestry or ethnic characteristics, or citizenship or residency in a country with a dominant religion or distinct religious identity.

Dear Colleague Letter: Race and School Programming (Aug. 24, 2023)

This Dear Colleague Letter clarifies the circumstances under which schools can, consistent with Title VI, develop curricula and programs or engage in activities that promote racially inclusive school communities. The letter explains that Title VI generally does not restrict school districts from holding assemblies, meetings, focus groups, or listening sessions that relate to students' experiences with race in their school or community.

Dear Colleague Letter: Addressing Discrimination Against Jewish Students (May 25, 2023)

This letter reminds schools of their legal obligations under Title VI to provide all students, including students who are or are perceived to be Jewish, a school environment free from discrimination based on race, color, or national origin, including shared ancestry or ethnic characteristics.

FACT SHEET: Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics (Jan. 4, 2023)

This fact sheet explains how the protection offered by Title VI of the Civil Rights Act of 1964 extends to students who experience discrimination based on their actual or perceived: (i) shared ancestry or ethnic characteristics; or (ii) citizenship or residency in a country with a dominant religion or distinct religious identity.

For additional information on OCR's policy guidance, visit OCR's Policy Portal.

Additional Resources to Support Campus Safety

2024 Federal Campus Safety Resources List

The federal government maintains a broad range of campus safety resources. This list includes quick links to resources from a variety of offices at the U.S. Departments of Education, Homeland Security, and Justice, and the U.S. Secret Service.

Voluntary Disclosure of Hate Crimes Sub-Categories

The Department reminds institutions that, as they track information about hate crimes, they may consider providing voluntarily to members of their campus communities additional information about hate crimes beyond what the Clery Act requires, such as sub-categories of persons and groups who were targeted based on their actual or perceived membership in a covered bias category.

Supporting Campus Safety Following the October 7, 2023 Hamas Attacks in Israel

The U.S. Department of Education maintains a regularly updated list of available resources aimed at supporting colleges and universities in their efforts to keep students safe, foster a culture of safety and inclusion, and fulfill their obligations under federal civil rights law.